

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY *[Signature]* D.C.
JUN 15 AM 8:40
ROBERT R. DI TROLO
CLERK OF U.S. DIST. CT.
W.D. OF TN.-JACKSON

ROY LEE WADE,

Plaintiff,

VS.

MARK DAVIDSON, ET AL.,

Defendants.

No. 04-1040-T/An

ORDER GRANTING DEFAULT JUDGMENT
AND
REFERRING CASE FOR REPORT AND RECOMMENDATION ON DAMAGES

On December 21, 2004, upon application of the plaintiff, Roy Lee Wade, the Clerk of Court entered default against defendant James Clifford pursuant to Fed. R. Civ. P. 55(a). Summary judgment was subsequently granted to the remaining named defendants, but no motion for default judgment under Rule 55(b) was filed.¹ Accordingly, the Court issued an order on June 6, 2005, directing plaintiff to show cause why his claims against Clifford should not be dismissed for failure to prosecute. Plaintiff filed a response to the show cause order and a motion to enter judgment on June 14, 2005.

Plaintiff's motion for default judgment is GRANTED. Although plaintiff seeks damages in the amount of \$100,000 in his motion,² the Court finds that additional proceedings are necessary in

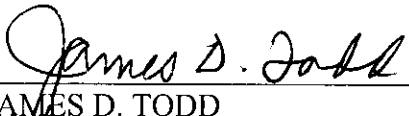
¹ In a prior order issued December 10, 2004, the Court explained in detail the steps necessary in order to obtain a default judgment.

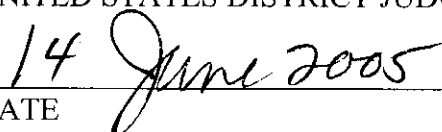
² The original complaint prayed for judgment in the amount of \$100,000 against each defendant. However, the amendment which added Clifford as a defendant prayed only for "damages in an amount which will fairly compensate him for his loss."

order to determine the appropriate amount of damages. Therefore, this case is hereby REFERRED to U.S. Magistrate Judge S. Thomas Anderson to conduct a hearing on the question of damages and to issue a report and recommendation.

Any exceptions to the Magistrate Judge's report shall be made within ten (10) days of the report, setting forth with particularity those portions of the report excepted to and the reasons for the exceptions.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 49 in case 1:04-CV-01040 was distributed by fax, mail, or direct printing on June 15, 2005 to the parties listed.

John D. Burleson
RAINEY KIZER REVIERE & BELL
105 S. Highland Avenue
Jackson, TN 38302--114

Sam J. Watridge
LAW OFFICE OF SAM J. WATRIDGE
1215 Main Street
Humboldt, TN 38343

Honorable James Todd
US DISTRICT COURT